

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00202-FDW-DSC**

CHANTEL BENJAMIN,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CHARLOTTE MECKLENBURG)	
BOARD OF EDUCATION et. al.,)	
)	
Defendants.)	

THIS MATTER is before the Court on “Plaintiff’s Motion for Leave to File Second Amended Complaint” (document # 17). Defendants have filed “Motion[s] to Dismiss” (documents ##4 and 15). Defendants have not responded to the Motion for Leave to File Second Amended Complaint and the time for filing a response has expired.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Id.

For the reasons stated therein, the Court grants Plaintiff’s Motion for Leave to File Second Amended Complaint.

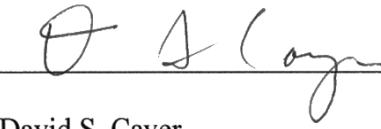
It is well settled that an amended pleading supersedes the original pleading and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS THEREFORE ORDERED that:

1. "Plaintiff's Motion for Leave to File Second Amended Complaint" (document # 17) is **GRANTED**. Plaintiff shall file her Second Amended Complaint within five days of this Order.
2. Defendants' "Motion[s] to Dismiss" (documents ##4 and 15) are administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: July 29, 2021



David S. Cayer
United States Magistrate Judge
